

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1116 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
2 paragraph and insert:
3 "SECTION 1. IC 10-13-3-16 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) As used in this
5 chapter, "qualified entity" means a business or an organization, whether
6 public, private, for-profit, nonprofit, or voluntary, that provides care or
7 care placement services.
8 (b) The term includes **the following:**
9 (1) A business or an organization that licenses or certifies others
10 to provide care or care placement services.
11 **(2) The department of education.**
12 SECTION 2. IC 10-13-3-39, AS AMENDED BY P.L.234-2005,
13 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2007]: Sec. 39. (a) The department is designated as the
15 authorized agency to receive requests for, process, and disseminate the
16 results of national criminal history background checks that comply with
17 this section and 42 U.S.C. 5119a.
18 (b) A qualified entity may contact the department to request a
19 national criminal history background check on any of the following
20 persons:
21 (1) A person who seeks to be or is employed with the qualified
22 entity. A request under this subdivision must be made not later
23 than three (3) months after the person is initially employed by the
24 qualified entity.

(2) A person who seeks to volunteer or is a volunteer with the qualified entity. A request under this subdivision must be made not later than three (3) months after the person initially volunteers with the qualified entity.

(c) A qualified entity must submit a request under subsection (b) in the form required by the department and provide a set of the person's fingerprints and any required fees with the request.

(d) If a qualified entity makes a request in conformity with subsection (b), the department shall submit the set of fingerprints provided with the request to the Federal Bureau of Investigation for a national criminal history background check for convictions described in IC 20-26-5-11. The department shall respond to the request in conformity with:

(1) the requirements of 42 U.S.C. 5119a; and

(2) the regulations prescribed by the Attorney General of the United States under 42 U.S.C. 5119a.

(e) This subsection applies to a qualified entity that:

(1) is not a **charter school**, a school corporation, or a special education cooperative; or

(2) is a **charter school**, a school corporation, or a special education cooperative and seeks a national criminal history background check for a volunteer.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department shall make a determination whether the applicant has been convicted of an offense described in IC 20-26-5-11 and convey the determination to the requesting qualified entity.

(f) This subsection applies to a qualified entity that:

(1) is a **charter school**, a school corporation, or a special education cooperative; and

(2) seeks a national criminal history background check to determine whether to employ or continue the employment of a certificated employee or a noncertificated employee of a **charter school or** school corporation or an equivalent position with a special education cooperative.

After receiving the results of a national criminal history background check from the Federal Bureau of Investigation, the department may exchange identification records concerning convictions for offenses described in IC 20-26-5-11 with the **charter school**, school corporation, or special education cooperative solely for purposes of making an employment determination. The exchange may be made only for the official use of the officials with authority to make the employment determination. The exchange is subject to the restrictions on dissemination imposed under P.L.92-544, (86 Stat. 1115) (1972).

(g) This subsection applies to a qualified entity ~~(as defined in IC 10-13-3-16)~~ that is a public agency under IC 5-14-1.5-2(a)(1). After

1 receiving the results of a national criminal history background check
 2 from the Federal Bureau of Investigation, the department shall provide
 3 a copy to the public agency. Except as permitted by federal law, the
 4 public agency may not share the information contained in the national
 5 criminal history background check with a private agency."

6 Page 2, between lines 35 and 36, begin a new paragraph and insert:

7 "SECTION 4. IC 20-28-5-9, AS ADDED BY P.L.246-2005,
 8 SECTION 160, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) An applicant must do the
 10 following:

11 (1) Submit **the applicant's fingerprints and** a request to the
 12 Indiana central repository for ~~limited a national~~ criminal history
 13 ~~information~~ **background check** under IC 10-13-3.

14 ~~(2) Obtain a copy of the limited criminal history for the applicant~~
 15 ~~from the repository's records.~~

16 ~~(3) Submit to (2) Provide permission for~~ the department **to**
 17 **receive a copy of** the ~~limited national~~ criminal history
 18 **background check** for the applicant.

19 ~~(4) (3) Submit to the department a document verifying a~~
 20 ~~disposition that does not appear on the limited national~~ criminal
 21 ~~history~~ **background check** for the applicant.

22 (b) The department may deny the issuance of a license or certificate
 23 to an applicant who is convicted of an offense for which the
 24 individual's license may be revoked or suspended under this chapter.

25 (c) The department must use the information obtained under this
 26 section in accordance with ~~IC 10-13-3-29~~ **IC 10-13-3-39(g).**

27 (d) An applicant is responsible for all costs associated with meeting
 28 the requirements of this section."

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1116 as printed February 16, 2007.)

Representative Noe